

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

Dennie J.M. van den HEUVEL and  
Johannes J. PLATTEEUWDivisional Application of  
Serial No.: 09/833,662

Filed: September 9, 2003

: Group Art Unit:

: Examiner:

For: MODIFIED RELEASE FORMULATIONS CONTAINING A HYPNOTIC  
AGENT**INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits. No certification or fee is required. 37 C.F.R. §1.97(b).

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).

a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

c. Attached is our check no. \_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. \_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).

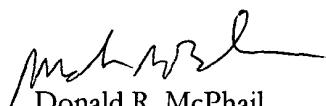
a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

4. Copies of the references were cited by or submitted to the Office in parent application No. 09/833,662, filed April 13, 2001, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 C.F.R. §1.98(d).

5. To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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LIST OF PRIOR ART CITED BY  
APPLICANT  
(PTO-1449)

ATTY. DOCKET NO.  
**SYN-0031D1**

DIVISIONAL OF  
APPLN. SERIAL NO.  
**09/833,662**

APPLICANT(S)  
**LEMMENS et al.**

FILING DATE

GROUP

**U.S. PATENT DOCUMENTS**

EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
	3,862,140	01/1975	Zinnes et al.			
	4,382,938	05/1983	Kaplan et al.			
	4,626,538	12/1986	Dusza et al.			
	4,794,185	12/1988	Rossey et al.			
	5,292,461	03/1994	Juch et al.			
	5,891,891	04/1999	Benincasa			
	6,242,460	06/2001	Ettema et al.			
	6,281,360	08/2001	Ettema et al.			
	6,309,668	10/2001	Bastin et al.			
	6,248,363	06/2001	Patel et al.			

**U.S. PATENT APPLICATION PUBLICATIONS**

	*PATENT APPLN. PUB. NO.	*PUB. DATE	*APPLICANT	CLASS	SUBCLASS	

**FOREIGN PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	00/33835	06/2000	WO				
	0 050 563	05/1984	EP				
	0 251 859	11/1990	EP				

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.)**

	Martine Schmitt et al., <i>Imidazo[1,2-b] pyridazines. XXIII* Some 5-Deaza Analogues. Syntheses of Some 2-Aryl-6-(chloro, methoxy or unsubstituted)-3-(variously substituted)imidazo[1,2-a] pyridazines and Their Affinity for Central and Mitochondrial Benzodiazepine Receptors</i> ; Aust. J. Chem., 50:719-725 (1997)
	Giuseppe Trapani et al., <i>Synthesis and binding affinity of 2-Phenylimidazo[1,2-a] pyridazines Derivatives for both Central and Peripheral Benzodiazepine Receptors. A New Series of High-Affinity and selective ligands for the Peripheral Type</i> ; J. Med. Chem., 40:3109-3118, (1997)
	P. George et al., "Zolpidem and Related Compounds: Syntheses, Physical Properties and Structure Activity Relationships"; <i>Imidazopyridines in sleep disorders</i> ; Raven Press, pp 11-23, (1998)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.